RESPONSIVENESS SUMMARY
CONCERNING EPA'S AUGUST 30, 2001
PUBLIC NOTICE PROPOSING NUMEROUS TMDLS
FOR WATERS IN THE STATE OF GEORGIA

pH TMDLs - February 2002 - finalization of pH TMDLs for Boar Tusk Creek, House Creek, Sugar Creek, Turnpike Creek, Bluff Creek, Buffalo Creek, Carr Creek, Commissioner Creek, Kingswood Branch and Ochwalkee Creek

Public Participation Activity Conducted:

On August 30, 2001, EPA Region 4 published an abbreviated public notice in the legal advertising section of the Atlanta Journal Constitution. Additionally, Region 4 mailed copies of a detailed public notice to the Georgia Environmental Protection Division (EPD), the Plaintiffs in the Georgia total maximum daily load (TMDL) lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1:94-cv-2501-MHS), and persons, identified as potentially interested parties, on a mailing list maintained by Region 4. This public notice requested comments from the public on EPA's proposed TMDLs for a significant number of water quality limited segments in the State of Georgia.

Matters on Which Public Was Consulted:

As a result of settlement negotiations in the Georgia TMDL lawsuit against EPA (Sierra Club et al. v. John Hankinson et al., Civil Action 1:94-cv-2501-MHS), EPA had the following commitment:

> "If Georgia fails to propose for public comment by June 30, 2001, TMDLs for each waterbody identified in Georgia's 2000 Section 303(d) list, whether such Section 303(d) list is prepared by Georgia or by EPA, and that is located in the Oconee/Ocmulgee/ Altamaha Basins, then EPA shall propose such TMDLs by August 30, 2001. In the event EPA proposes such TMDLs, EPA will establish TMDLs following public notice and comment within a reasonable time, and, where significant comment is not received, expects to establish TMDLs by February 28, 2002, unless Georgia submits and EPA approves such TMDLs prior to EPA establishing such TMDLs."

The public was consulted on proposed TMDLs for the water quality limited segments in the Oconee, Ocmulgee, and Altamaha Basins of the State of Georgia. The proposed TMDLs are identified in the attached list. EPA Region 4 had received and evaluated water quality-related data and information about these waters and pollutants and had prepared documents supporting the preliminary

determinations of these evaluations.

Summary of Public's Comments:

The following persons provided written comments or written request for copies of the proposed TMDL during the public comment period:

1 Alan Hallum, Chief
Georgia Department of Natural Resources
Environmental Protection Division
Water Protection Branch
4220 International Parkway
Suite 101
Atlanta, Georgia 30354

2. Dr. David B. Wenner
The University of Georgia
Franklin College of Arts and Sciences
Department of Geology
Athens, Georgia 30602-2501

3. Kesler T. Roberts, Staff Attorney
Georgia Legal Watch
264 North Jackson Street
Athens, Georgia 30601
October 30, 2001

COMMENT

The TMDLs recommend that NPDES permits be written with pH limits of 6.0 - 8.5 standard units. EPD writes permits with limits from 6 - 9 standards units. The upper limit is set at 8.5 when the 7Q10 of the stream is zero or very close to it.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

NPDES permits in Georgia, with effluent limits for pH, have been written to comply only with secondary treatment requirements (40 CFR 133.102(c)), resulting a pH limit of 6.0 to 9.0 standard units. Because these waters are 303(d) listed stream segments, and require a TMDL, water quality based limits (i.e. the current applicable state water standard) must be used. Thus

the TMDLs use the state water quality standard as the appropriate target for these TMDLs.

COMMENT

Sugar Creek

Page 2 and Page 4 contains statements that Sugar Creek is in the Oconee River Basin. It is in the Ocmulgee River Basin.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Sugar Creek pH TMDL.

COMMENT

Sugar Creek

Page 5 lists the affected stream segments as the confluence of Key to the Oconee River. It is actually from Turnpike Creek to the Little Ocmulgee River.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Sugar Creek pH TMDL.

COMMENT

Sugar Creek

The TMDL lists Eastman Roach Branch as discharging to Sugar Creek. It is actually Eastman South. The permit number provided in the TMDL is correct. Please note that the facility discharges about 30 miles upstream of the 303(d) listed segment and is not likely to be contributing to a pH problem 30 miles downstream.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Sugar Creek pH TMDL.

COMMENT

Commissioner Creek

The TMDL does not reference Albion Kaolin, NPDES Permit No. GA0037257, which discharges near the other faciliites listed.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Commissioner Creek pH TMDL.

COMMENT

Commissioner Creek

The Gray Wolf WPCP is around 20 miles upstream of the 303(d) listed stream segment, and so it is unlikely to be causing or contributing to a violation.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Commissioner Creek pH TMDL.

COMMENT

Ochwalkee Creek

Page 2 - first sentence under Watershed Characterization - states that the,"watershed is comprised ofmostly decidious and evergreen forest.." There needs to be a space between "of" and "mostly" and the second "of" could be deleted.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Ochwalkee Creek pH TMDL.

COMMENT

House Creek

Page 2 - The first sentence under "watershed characterization" - states that House Creek is located in the Oconee River Basin. It is in the Ocmulgee River Basin.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the House Creek pH TMDL.

COMMENT

House Creek

Page 4 - Heading for first figure on figure 3 - Precipitation is spelled wrong.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water

Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the House Creek pH TMDL.

COMMENT

Boar Tusk Creek

Page 4 of the TMDL talks about climatic patterns in the Oconee River Basin. Boar Tusk is located in the Ocmulgee River Basin. Was reference to the Ocmulgee River Basin a typo, or are the Basins close enough together that the climatic patterns in one are just used in the other ?

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

The reference to the Oconee River Basin was a typo. The basin name was changed to Ocmulgee River Basin.

COMMENT

Carr Creek

The TMDL for Carr Creek says the segment of concern is from Keg Creek to the Oconee River. This is the segment for Buffalo. The whole TMDL discusses Carr Creek, but the map on page 1 is for Buffalo Creek. EPA needs to review this TMDL and determine whether the information in it is really for Buffalo Creek or Carr Creek and correct it as needed

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

Correction made. This TMDL is for Carr Creek.

COMMENT

Carr Creek

If the information in the TMDL is for Buffalo Creek instead of Carr Creek, it is not true there aren't any point sources. There are industrial point sources on Buffalo Creek - ECC International, Thiele Kaolin.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This TMDL is Carr Creek. These facilities have been identified in the Buffalo Creek TMDL.

COMMENT

Carr Creek
Page 4 of the TMDL - under "Problem Definition" - the segment is listed from Key Creek to Oconee River. Key Creek should be Keg Creek.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Carr Creek pH TMDL.

COMMENT

Carr Creek

Page 5 - Figure 5 - is listed as Commissioner Creek pH violations. Is the figure data from Commissioner Creek, Carr Creek or Buffalo Creek?

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Carr Creek pH TMDL.

COMMENT

Bluff Creek

Imery Pigments - GA0046330 is listed as the only permitted discharger to Bluff Creek. This discharger no longer exists. However, the following discharge directly to Bluff Creek or a tributary very close to Bluff Creek - Thiele Kaolin - GA0002453, Englehard - GA0050067, and EEC International - GA0002780.

Alan Hallum, Chief, Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354

RESPONSE

This correction has been made to the Bluff Creek pH TMDL.

COMMENT

The commenter indicates Carr Creek is listed for low pH (<6.0) based on four samples taken in 1999. Recent pH measurements by a local watershed group (UOWN) shows pH values at or above 6.0.;

however, this stream is clearly polluted. Measurements over the past two years show consistently high conductivities (700-800 uS/cm) caused principally by high levels of Ca and sulfate ions. A high level of fluoride has also been measured; most recent study indicates a concentration of 8.0 mg/L, which is above EPA's MCL level of 4.0 mg/L for drinking water. This stream needs a different TMDL listing.

Dr. Davind B. Wenner, The University of Georgia, Franklin College of Arts and Sciences, Department of Geology, Athens, Georgia 30602-2501, October 30, 2001

RESPONSE

EPA agrees with the commenter that Carr Creek should be listed for something other than pH. Changes in ph (hydrogen ion concentration) are generally caused by the addition of an acidic or basic solutions. As stated in the Carr Creek TMDL, pH is not a pollutant, rather pH is the expression of the amount of acid or base present in a solution. For the Carr Creek TMDL, no data was available to determine the pollutant causing the pH violation. Data/information presented in the Upper Oconee River Network watershed report shows that pH in Carr Creek is meeting the applicable water quality criterion for pH. This information will be included in the final Carr Creek TMDL.

COMMENT

The commenter indicates Kingswood Branch is listed for low pH based on 3 of 16 samples having pH <6.0. The TMDL report indicates the potential for mobilization of heavy metals from sediments at these lower pH's but does not indicate any plan for monitoring for heavy metals.

Dr. Davind B. Wenner, The University of Georgia, Franklin College of Arts and Sciences, Department of Geology, Athens, Georgia 30602-2501, October 30, 2001

RESPONSE

Because it is not realistic to calculate the maximum allowable daily load of hydrogen ions entering a given waterbody, the TMDL simply uses the existing state water quality standard as a surrogate. The TMDL, as with the existing state water quality standards, requires that any existing and new sources entering into the Boar Tusk Creek watershed, meet water quality standards at the point of discharge.

COMMENT

The commenter indicates in the source identification section of the Carr Creek TMDL, EPA should also include historical point or nonpoint sources of pollution, such as the Vigoro chemical manufacturing facility on Carr Creek. While the facility is not currently discharging, that site, which required so much remediation in recent years past, is an obvious location for monitoring or even speculation about the persistent impacts it may have o the waterbody.

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601, October 30, 2001

RESPONSE

EPA will include this information in the source identification section of the Carr Creek TMDL.

COMMENT

The commenter indicates this TMDL does not address the detailed data provided by Upper Oconee Watershed Network (UOWN) on August 30, 2001 regarding the impairments in Carr Creek? UOWN is a well-established citizen watershed group consisting of wateshed specialists, professors of ecology, agricultural engineers, and other highly qualified assessors. UOWN provided EPD with this information for EPD's comment period, and carbon copied the comments to EPA. The cover letter specifically notes that "the evidence is overwhelming that the cause of impairment to the creek originates primarily from seepage from disposal areas below the former fertilizer manufacturing facility." In an attached report, UOWN cites EPD documents regarding a 7 year series of studies and remediations related directly to the contamination of Carr Creek by Vigoro Industries, a chemical manufacturing facility that operated next to the waterbody for over 100 years. In light of this detailed report from UOWN, how can EPD or EPA report that there is a lack of information regarding the causes or possible causes of pH violations?

Kesler T. Roberts, Staff Attorney, Georgia Legal Watch, 264 North Jackson Street, Athens, Georgia 30601, October 30, 2001

RESPONSE

EPA agrees with commenter. Information presented in the Upper Oconee River Network document will be incorporated into the Carr Creek TMDL.